

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
TOMMY BARNES,	:	
	:	
Plaintiff,	:	18 Civ. 7119 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
THE CITY OF NEW YORK et al,	:	
	:	
Defendants.	:	
-----	X	

LORNA G. SCHOFIELD, District Judge:

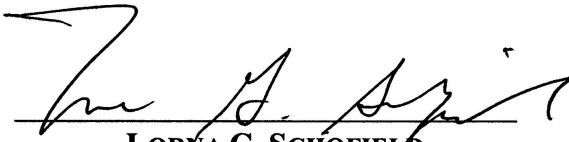
WHEREAS, on August 26, 2024, Plaintiff filed a letter informing the court that he would like to deny paragraph 12 in Defendants' Rule 56.1 statement and that he did not abandon his state law claims. Plaintiff is advised that this letter constitutes a sur-reply filed without leave of court, which is generally disfavored. *Williams v. City of New York*, No. 19 Civ. 3347, 2022 WL 130409, at \*11 n. 10 (S.D.N.Y. Jan. 14, 2022). This Court has reviewed and will consider this letter in deciding the cross-motions for summary judgment, but will not consider further submissions, except the amended response discussed below, absent extraordinary circumstances. It is hereby

**ORDERED** that by **September 23, 2024**, Plaintiff shall file an amended response to every assertion in Defendants' 56.1 statement. In the amended response, Plaintiff shall include a correspondingly numbered paragraph responding to each numbered paragraph, from paragraphs 1 to 24, by admitting or denying it. If Plaintiff denies an assertion, he shall state the correct statement of the facts, and support that fact with citations to evidence. Such evidence can take the form of affidavits or documents, but not simply allegations in the Amended Complaint. If Plaintiff does not specifically controvert Defendants' assertion(s) with evidence, Defendants' assertion(s) may be accepted as true for the purpose of Defendants' motion for summary

judgment. Plaintiff shall file the amended response by sending it to the Pro Se Intake Unit, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007.

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

Dated: September 10, 2024  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**